

R E M A R K S

Claims 1, 2, 6, 14, 15, and 17 were rejected under 35 USC 102 as being anticipated by Feldman et al, US Patent 6577,414. Applicant respectfully traverses.

Claims 1 and 14 are amended herein to make them clearer. The arguments below demonstrate that the claims are **not** amended to overcome an art rejection, because the features of amended claims 1 and 14 that make the claims not anticipated by the Feldman et al reference are also present in the original claims.

The Feldman et al reference teaches an Optical to electrical Converter (OEC) that is outputting a signal on a coax. The Examiner cited col. 5, lines 10-20 of the reference, and that cited passage includes a teaching to the effect that

although the signal being receive[sic] at the subscriber premises is a composite signal, the CPE in the home select appropriate signals by tuning to a particular channel or, in the case of cable modem, by performing time-division demultiplexing on the signal in one rf channel, controlled by the well-known MAC protocol.

The Examiner asserts that Feldman et al disclose an OEC which

may be in an optical network unit (ONU) or “user interface apparatus” or “optical receiver” with the capability of channel selection or “first adaptor... to select at least one channel transmitting signals” used in prior art systems.

It is not clear how to parse the above-quoted sentence, but it appears that the Examiner is asserting that the Feldman et al OEC can viewed to correspond to

- (a) the “user interface apparatus,”
- (b) the “optical receiver” with the ability of channel selection, or
- (c) the “first adaptor.”

Respectfully, applicant disagrees. The OEC is equipment that precedes the user-premises wiring, and the above-quoted passage from col. 5, clearly teaches that the channel selection is performed within the CPE that follows the user-premises wiring.

It is error to assert that the OEC corresponds to the user interface apparatus, because the user defined apparatus of claim 1 specifies an arrangement where a piece of equipment that precedes the user-premises wiring performs channel selections, whereas in the Feldman et al reference the channel selections are performed by the CPE that follow the user-premises wiring.

It is also error to assert that the OEC corresponds to the “first adaptor,” because although the OEC and the “first adaptor” both precede the user-premises wiring, the OEC does not perform channel selections whereas the “first adaptor” does.

An assertion that the OEC corresponds to the “optical receiver” of claim 1 is valid, but it does not render claim anticipated because this optical receiver does not dictate where channel selections are to be performed – which is where the discussed difference between claim 1 and the Feldman et al reference exists.

In short, since the channel selection in Feldman et al is in equipment that follows the user-premises wiring, whereas the channel selection of claim 1 is in equipment that precedes the user-premises wiring, claim 1 is not anticipated by Feldman et al.

Additionally, claim 1 specifies a “second adaptor” that performs a format conversion. No such element (following the user-premises wiring) is shown or suggested in Feldman et al. This is another reason for holding that claim 1 is not anticipated by Feldman et al.

Claims 2 and 6 depend on claim 1.

It should be noted that claim 1 specifies that the signal of the second adaptor is compatible with CPE equipment. Therefore, since at least some CPE equipment (e.g., a television) is adapted to select a channel from among a plurality of channels that are available at its input, it follows that the signal developed by the second adaptor of claim 1 is one that contains a plurality of signals (e.g., TV channels). In turn, that means that the channel selection of the first adaptor is really a selection of a channel that contains a number of narrower (e.g. TV) channels.

As for claim 14, it defines an arrangement where a single head end supplies signals to users. It is limited to an arrangement where the head end supplies the users through a plurality of distribution plants, where at least one of the plants is an HFC distribution plant and the other is a fiber-optic distribution plant. Claim 14 is further limited in that the fiber-optic distribution plant carries a signal with a number of radio frequency channels, and that each of those channels is adapted to carry media signals of same bit rate as media signals transmitted on each HFC distribution plant.

The Examiner asserts that claim 14 contains the limitations of claim 1. Respectfully, that is not correct. Claim 14 is directed to an arrangement with a head end

and different distribution plants, whereas claim 1 is directed to a user interface apparatus. The arrangement of a head end and different distribution plants that provide user signals appears to simply be not present in Feldman et al, and the Examiner has not pointed to any. Therefore, it is respectfully submitted that claim 14 is not anticipated by Feldman et al. Claims 15 and 17 depend on claim 14.

Claims 3, 4, 7, 8, 10, 11, and 12 were rejected under 35 USC 103 as being unpatentable over Feldman et al in view of Chen et al, US Patent 5,699,105. Applicant respectfully traverses. Nevertheless, in order to expedite prosecution, claims 7 and 8 are deleted.

Claims 3 and 4 depend on claim 1 and since Chen et al do not supply that which is missing in Feldman et al, it follows that claims 3 and 4 are not obvious in view of the Feldman et al and Chen et al combination of references. Moreover, the Examiner asserts that the Chen reference teaches selecting a channel in a curb-side box, but since Feldman et al do not have any notion of a channel selection to create a signal that is applied to a CPE *which can select a channel from with the signal that is presented to it*, there is no motivation for adopting the teachings of Chen et al.

As an aside, it would not be proper to assert a correspondence between the curb-side box of Chen et al and the "second adaptor" of claim 1, because the "second adaptor" of claim 1 follows the user-premises wiring, not precedes it, as does the curb-side box.

Claim 11 is independent. It specifies the steps of receiving signals, selecting a subset of the signals (one channel), transmitting the selected signals, and converting the format of those signals. Respectfully, there is no teaching in either Feldman et al or in Chen et al of a step of converting the format of a selected signal. Claim 12 depends on claim 11.


Claims 5, 9, 13, 16, and 19 were objected to as being dependent on a rejected base claim, but were indicated to be otherwise allowable. In view of the above remarks that demonstrate that the base claims are allowable, it is believed that the objection is traversed.

New claims 19 and 20 are introduced, which are believed to be allowable over the prior art.

In light of the above amendments and remarks, applicant respectfully submits that all of the Examiner's objections and rejections have been overcome. Reconsideration and allowance of the instant claims are respectfully solicited.

Respectfully,
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Dated: 9/15/04

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